

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: Charles Ray Mosely

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§

**Case No. 20-32827
(Chapter 7)**

MOTION FOR RELIEF FROM STAY REGARDING EXEMPT PROPERTY

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF IT IS GRANTED, THE MOVANT MAY ACT OUTSIDE OF THE BANKRUPTCY PROCESS. IF YOU DO NOT WANT THE STAY LIFTED, IMMEDIATELY CONTACT THE MOVING PARTY TO SETTLE. IF YOU CANNOT SETTLE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY AT LEAST 7 DAYS BEFORE THE HEARING. IF YOU CANNOT SETTLE, YOU MUST ATTEND THE HEARING. EVIDENCE MAY BE OFFERED AT THE HEARING AND THE COURT MAY RULE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY

THERE WILL BE A HEARING ON THIS MATTER ON AUGUST 10, 2020 AT 01:30 PM IN 515 RUSK AVENUE, COURTROOM 402, HOUSTON, TX 77002.

Debtor or Debtor's Counsel is encouraged to contact Shellpoint Mortgage Servicing to discuss potential loss mitigation options, if the debtor(s) is experiencing hardship resulting in the COVID-19. Please call 866-825-2174 for assistance Monday-Friday 9am to 8pm EST.

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 3.
2. Movant: MTGLQ INVESTORS, L.P..
3. Movant, directly or as agent for the holder, holds a security interest in: 3005 Nita, Houston, TX 77051

THE WEST 33 FEET OF LOT TWENTY-SEVEN (27) AND THE ADJOINING EAST 22 FEET OF LOT TWENTY-EIGHT (28), IN BLOCK TWENTY-FOUR (24) OF REEDWOODS, AN ADDITION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 42, PAGE 71 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is claimed as exempt by the debtor. Movant does not contest the claimed exemption.
5. Type of collateral: Real Property
6. Debtor's scheduled value of property: \$42,000.00
7. Movant's estimated value of property: \$42,000.00. Basis for Movant's property value:

Debtor's Schedule

8. Total amount owed to movant as of 07/01/2020: \$47,424.73
9. Estimated equity (paragraph 7 minus paragraph 8): \$-5,424.73
10. Total pre and post-petition arrearages: \$17,524.75
11. Total post-petition arrearages: \$17,524.75
12. Amount of unpaid, past due property taxes, if applicable: \$ N/A
13. Expiration date on insurance policy, if applicable: N/A
14. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred legal fees and costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code, paragraph 18 below, and otherwise applicable law.
15. Movant seeks relief based on the debtor(s)' failure to make payments. The contractual payment history in this case is attached as Exhibit "A". Any party in interest may move to require the Movant to provide a complete payment history. If ordered by the Court, the complete payment history must be provided not less than 7 days prior to the final hearing on the motion for relief from the stay. Movant may include a complete payment history with its original motion. If a payment history is ordered, it must be provided in a format substantially similar to the format required by BLR 3001-1. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations.
16. If applicable: Name of Co-Debtor: N/A
17. Movant certifies that on June 29, 2020. a message was left informing Opposing Counsel that this motion would be filed. If requested by debtor or debtor's counsel, a payment history in the form attached to this motion was provided at least two days, excluding intermediate weekends and holidays before this motion was filed.

18. Movant requests that if stay is lifted Movant may contact the Debtor by telephone or written correspondence and, at it option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement regarding said real property.

Date: July 2, 2020

Respectfully submitted,

MACKIE WOLF ZIENTZ & MANN, P.C.
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Houston, TX 77056
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By: /s/ Jessica L. Holt
Jessica L. Holt (Bar No. 24078680)

Michael W. Zientz (Bar No. 24003232)
Jessica L. Holt (Bar No. 24078680)
Stephen Wu (Bar No. 24042396)
Chelsea Schneider (Bar No. 24079820)

ATTORNEY FOR MOVANT

Certificate of Service and Certificate of Compliance with BLR 4001

A copy of this motion was served on the persons shown below at the addresses reflected on July 2, 2020. Movant certifies that Movant has complied with Bankruptcy Local Rule 4001.

By: /s/ Jessica L. Holt

Michael W. Zientz (Bar No. 24003232)
Jessica L. Holt (Bar No. 24078680)
Stephen Wu (Bar No. 24042396)
Chelsea Schneider (Bar No. 24079820)

Via Pre-Paid U.S. Mail:
Charles Ray Mosely
3005 NITA
HOUSTON, TX 77051
Debtor(s)

Via ECF:
RONALD J SOMMERS
2800 POST OAK BLVD
61ST FLOOR
HOUSTON, TX 77056
CHAPTER 7 TRUSTEE

Via ECF:
US TRUSTEE
515 RUSK AVE
STE 3516
HOUSTON, TX 77002